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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,638	07/15/2003	Toru Wada	2356/12	5667

7590 07/12/2006

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EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,638

Applicant(s)

WADA ET AL.

Examiner

Monique R. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/06 has been entered. Claims 1-20 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Tahon et al (USPN 6,120,907.) Tahon et al teach a data card comprising a laser recording medium on a support wherein the laser recording medium is preferably an ablatable metal layer having a thickness of preferably not larger than 700nm, more preferably in the range of 50 to 600 nm, formed by vacuum deposition, wherein Tahon et al specifically teach that a thin vacuum deposited layer of Bi or Ag may be utilized (Abstract; Col. 6, lines 18-62.)
4. Claims 1, 2, 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al (USPN 5,339,737.) Lewis et al teach lithographic printing plates suitable for imaging by means of laser devices that emit in the near-infrared region wherein Lewis et al teach embodiments comprising a thin metal ablation layer 418 deposited by vacuum evaporation or sputtering onto a substrate 400, wherein Lewis further teach that the plate may include additional layers such as a silicone coating that reads upon the instantly claimed release layer of claim 4,

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and an adhesion promoting layer between the metal layer and the substrate that reads upon the instantly IR non-sensitive polymer resin layer of claim 9 (Abstract; Figures 13A-13H; Col. 12, lines 16-67; Col. 18, lines 32-66; Col. 21, line 43-Col. 22, line 49.)

5. Claims 1-20 are rejected under 35 U.S.C. 102(a), (b) or (e) as being anticipated by Daems et al (USPN 6,759,175; previously published as US 2001/0038975 A1.) Daems et al teach a method for “on-site preparation of a relief image comprising: (a) laminating a material comprising, in the order given, a first peelable support (1) having a polymer release coating layer, an image recording layer (2) and an adhesive layer (3) onto a UV-sensitive material comprising a support (7), a UV-sensitive layer (6) wherein the adhesive layer (3) is laminated to the UV-sensitive layer (6); (b) image-wise exposing the image recording layer (2) to form a mask; (c) flood exposing the UV-sensitive material through the mask; (d) developing the UV-sensitive material; wherein the peelable support (1) is removed either before step (b), (c) or (d).” (Abstract; Col. 3, lines 42-54.) Daems et al teach that a second peelable support (4) comprising a release coating may provided on the adhesive layer (3) prior to lamination with the UV-sensitive material and that the UV-sensitive material may include a protective layer (5) over the UV-sensitive layer (6) (Figure 1; Col. 4, lines 63-67; Col. 5.) Daems et al also teach that in a preferred embodiment, the image recording layer (2) is a thin metallic ablation layer applied by depositing a metal such as preferably Mg, Zn, In, Sn, Bi and Te, and most preferably Bi by vapor deposition (Col. 4, lines 25-47; example 2.) Daems et al teach that on top of the image recording layer (2) an adhesive layer (3) is provided to bond the mask to the UV sensitive layer (6) or the protective layer (5) and is preferably a thermosensitive adhesive layer or pressure sensitive layer wherein suitable thermosensitive adhesives are selected from the group of vinylacetate

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copolymers, acrylate copolymers and alkylacrylate copolymers (*read upon the instantly claimed thermosetting and/or alkyd resin "anti-blocking" or "release" layers*) and wherein Daems et al teach that an additional step can be performed between the flood exposure and development to remove the mask by peeling off the mask, particularly when the image recording layer (2) is a thin metallic layer (Col. 4, lines 48-Col. 5, line 65.) With respect to Claims 9 and 19, the Examiner notes that the polymer release layer on the peelable support 1 reads upon the instantly claimed IR non-sensitive polymer layer of claim 9 and 19 when support 1 is equated to the claimed substrate; or the adhesive layer 3 and the protective layer 5 read upon the IR non-sensitive polymer layer of Claim 9 when support 7 is equated to the substrate. With respect to Claims 10 and 20, the Examiner notes that the adhesive layer 3 reads upon the IR non-sensitive layer when peelable support 4 is the substrate having a release layer.

Double Patenting

6. Claims 1, 2, and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16-19 of copending Application No. 11/159,210. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the copending application fully encompass the above cited claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monique R. Jackson
Primary Examiner
Technology Center 1700
July 10, 2006